

**32B-2-205 Director of alcoholic beverage control.**

- (1)
- (a) In accordance with Subsection (1)(b), the governor, with the consent of the Senate, shall appoint a director of alcoholic beverage control to a four-year term. The director may be appointed to more than one four-year term. The director is the administrative head of the department.
  - (b)
    - (i) The governor shall appoint the director from nominations made by the commission.
    - (ii) The commission shall submit the nomination of three individuals to the governor for appointment of the director.
    - (iii) By no later than 30 calendar days from the day on which the governor receives the three nominations submitted by the commission, the governor may:
      - (A) appoint the director; or
      - (B) reject the three nominations.
    - (iv) If the governor rejects the nominations or fails to take action within the 30-day period, the commission shall nominate three different individuals from which the governor may appoint the director or reject the nominations until such time as the governor appoints the director.
    - (v) The governor may reappoint the director without seeking nominations from the commission. Reappointment of a director is subject to the consent of the Senate.
  - (c) If there is a vacancy in the position of director, during the nomination process described in Subsection (1)(b), the governor may appoint an interim director for a period of up to 30 calendar days. If a director is not appointed within the 30-day period, the interim director may continue to serve beyond the 30-day period subject to the consent of the Senate at the next scheduled time for the Senate giving consent to appointments of the governor. Except that if the Senate does not act on the consent to the appointment of the interim director within 60 days of the end of the initial 30-day period, the interim director may continue as the interim director.
  - (d) The director may be terminated by:
    - (i) the commission by a vote of four commissioners; or
    - (ii) the governor after consultation with the commission.
  - (e) The director may not be a commissioner.
  - (f) The director shall:
    - (i) be qualified in administration;
    - (ii) be knowledgeable by experience and training in the field of business management; and
    - (iii) possess any other qualification prescribed by the commission.
- (2) The governor shall establish the director's compensation within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.
- (3) The director shall:
- (a) carry out the policies of the commission;
  - (b) carry out the policies of the department;
  - (c) fully inform the commission of the operations and administrative activities of the department; and
  - (d) assist the commission in the proper discharge of the commission's duties.

Amended by Chapter 365, 2012 General Session